

REMARKS

The above amendments and following remarks are submitted in response to the Official Action of the Examiner mailed March 9, 2007. Having addressed all objections and grounds of rejection, originally presented claims 1-20, being all the pending claims, are now deemed in condition for allowance. Entry of this amendment and reconsideration to that end is respectfully requested.

Claims 5, 10, 15, and 19-20 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Specifically, the Examiner states:

A. Applicant fails to list full name of MAPPER.
Corrections (sic) are required.

Applicants do not understand the nature of the Examiner's rejection. It is unknown how someone would "list full name". The rejected claims are limited by the term "Classic MAPPER" which is the "full name". Should the Examiner wish to reference Applicants' specification at page 5, line 6, through page 6, line 9, he would find a brief description of the Classic MAPPER product which has been in the prior art for decades. Therefore, Applicants do not categorically refuse to amend the claims to enhance clarity in response to a cogent suggestion by the Examiner, but respectfully traverse this ground of rejection to the extent understood.

Claims 1-4, 6-9, 11-14, and 16-19 have been rejected under newly applied 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Publication No. 2002/0026507, issued in the name of Sears et al (hereinafter referred to as "Sears") in view of U.S. Patent No. 6,643,690, issued to Duursma et al (hereinafter referred to as "Duursma"). This ground of rejection is respectfully traversed for the following reasons.

Enclosed herewith is the Supplemental Declaration of the Inventors of Record under 37 C.F.R. 1.131 establishing of record that the subject invention was made before the effective filing date (i.e., August 4, 2000) of Sears). As indicated by the attached declaration and as a matter of public record, Applicants' invention was completely conceived, reduced to practice, and commercially on-sale as of April 4, 2000. This Supplemental Declaration has been submitted because the Examiner has rejected the previously submitted declaration under 37 C.F.R. 1.131.

In rejecting the prior declaration, the Examiner stated:

There is not enough evidence to clearly prove the relationships between "Cool ICE Revision 2.1" and the claims.

Thus, the enclosed Supplemental Declaration is directed to showing that Cool ICE Revision 2.1 was on-sale in April 2000 and that the subject commercial product contained the invention of pending claims 1-20. Specifically, the Examiner's attention is

directed to Section 10 of the attached copy of Unisys Corporation Document 7850 2473-001, which discusses operation of the Data Wizard. Also pertinent are Sections 2, 4, 5, 9, 11, and 12, of the document which discuss the overall architecture, component definitions, objects, and the unique and novel user interface as claimed.

It is emphasized that this Supplemental Declaration establishes that the invention of claims 1-20 was embodied in a commercial, on-sale product. Therefore, the invention of pending claims 1-20 were of necessity completely conceived and reduced to practice at least as early as April 2000.

Thus, even though Applicants present herewith arguments sufficient to conclude that pending claims 1-20 completely distinguish over the rejection of the Examiner, these rejections are further traversed in view of the removal of Sears as a reference against the pending claims.

To make a *prima facie* case of obviousness, MPEP 2143 requires the Examiner to provide evidence and argument showing: 1) motivation to make the alleged combination; 2) reasonable likelihood of success of the alleged combination; and 3) all claimed elements within the alleged combination. The Examiner has failed to make any of these three required showings. Therefore, because the Examiner has not made a *prima facie* case

of obviousness, Applicants need not and indeed cannot offer appropriate evidence and argument in rebuttal.

The first required showing is that of motivation. In an apparent attempt to comply with this requirement, the Examiner states:

Sear (sic) does not specifically teach the service¹ module located within the database of the data base management system.

Without any explanation, the Examiner bases his finding of motivation by directly contradicting a prior finding from his previous official action mailed June 13, 2006, which states in part at paragraph 4:

As per claims 1-3, Sears teaches, a user interface module ... located within said data base of said data base management system [para. 98-99].

Thus, the Examiner's alleged assertion of motivation is at least based upon clearly erroneous and contradictory findings².

In further support of his assertion of motivation, the Examiner states:

¹It is assumed that the Examiner intended to discuss the claimed "user interface module" rather than the stated "service module". Otherwise the statement would be legally irrelevant, because it would not address Applicants' claimed invention.

²To the extent the earlier finding was correct, the Examiner has based his showing of motivation on a clearly erroneous finding of fact. To the extent the earlier finding was incorrect, the Examiner has explicitly admitted that his previous final rejection was erroneous as a matter of law and the resulting RCE filed by Applicants was a needless waste of resources.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify aaa's (sic) system with Duursma's service module because doing so would improve the service quality by allowing the database management system easily (sic) transit data to other database management systems [Duursma, col. 3, lines 33-40].

This statement is inadequate. There is no showing that Sears does not "transmit data to other database management systems". In fact, Sears explicitly discloses that it has this capability. Therefore, the alleged combination would not be motivated as superfluous.

The second showing required by MPEP 2143 is that of reasonable likelihood of success. Even though this is a required showing, the Examiner simply ignores his obligation in this regard.

The final showing is that of all claimed elements within the alleged combination. The essence of the present invention as disclosed and claimed requires a user terminal coupled to a data base management system via a publically accessible digital data communication network having a customized user interface module which is itself coupled to the user terminal via the publically accessible digital data communication network. It is **not** in the claimed user terminal. The importance of this architecture is explained in detail in Applicants' specification providing various types of customized user interfaces associated with the various applications.

This feature was carefully pointed out to the Examiner in Applicants' previous submissions. Nevertheless, the Examiner cites Duursma as yet additional prior art wherein the "client" hosts its own "user interface module" providing the user interface. Nevertheless, the Examiner makes extensive citations from Duursma concerning the "service module", located within the server, which is not the claimed "user interface module".

With regard to claim 1, for example, the Examiner cites Fig. 2 to show the claimed "a user terminal for accessing a selected one of a plurality of applications coupled to a data base management system having a data base". Yet, Fig. 2 shows no "data base management system having a data base" as claimed.

Claim 1 is also limited by "a user interface module coupled to said user terminal via said publicly accessible digital data communication network and located within said data base of said data base management system which communicates with said selected one of said plurality of applications only via said data base management system". In making his rejection, the Examiner cites paragraphs 0098-0099 of Sears, which discusses the contents of Memory 14 shown in Fig. 3. Memory 14 of Fig. 3 is shown as the internal memory of computer 11 of Fig. 1. However, as cited above, computer 11 is really individual user 78. Therefore, in accordance with the disclosure of Sears as cited by the Examiner, all of the claimed components are co-located within the computer

11 which is really individual user 78. Furthermore, Duursma does not disclose any "user interface module" located within the data base management system, as claimed. The rejection of claim 1, and all claims depending therefrom, is respectfully traversed for failure of the Examiner to make any of the three showings required by MPEP 2143.

Claim 2 depends from claim 1 and further limits the "publicly accessible digital data communication network". Because the alleged combination does not meet the limitations of claim 1, it cannot meet the further limitations of claim 2. The rejection of claim 2 is respectfully traversed.

Claim 3 depends from claim 2 and further limits the software architecture of the "User Terminal". Sears says nothing of software architecture and certainly shows nothing of software architecture in Fig. 2. The rejection of claim 3 is respectfully traversed as based upon clearly erroneous findings of fact.

Claim 4 depends from claim 3 and further requires that the "application" and the "user interface module" are located within a single server. This limitation can only be met because all claimed components are located within computer 11. As a result, claim 4 is patentable, because it depends from patentable claim 3. The rejection of claim 4 is respectfully traversed.

In rejecting claims 6-9, the Examiner clearly erroneously states:

As per claims 6-9, since (sic) they are apparatus claims of claims 1-4, they are rejected for the same basis as claims 1-4 above.

Claims 1-4 and 6-9 are not of the same scope. For example, claim 6 is limited by "an application responsively coupled to said user interface module via said data base management system". This limitation is simply not found in claims 1-4. Therefore, in addition to the clearly erroneous findings of fact with regard to the rejection of claims 1-4, the rejection of claims 6-9 is respectfully traversed as incomplete as a matter of controlling law.

In rejecting claims 11-14, the Examiner clearly erroneously states:

As per claims 11-14, since (sic) they are method claims of claims 1-4, they are rejected for (sic) the same basis as claims 1-4 above.

Claim 11, for example, is a method claim having four steps. The alleged combination has none of these four steps. Furthermore, the Examiner has not alleged that the alleged combination does have these four steps, because he continues to refuse to even examine these claims in opposition to controlling law.

For example, claim 11 requires "transferring", "receiving", "storing", and "retrieving". The alleged combination does not have any of these steps as claimed. In addition to the clearly erroneous findings of fact identified above, the rejection of

claims 11-14 is respectfully traversed as being incomplete as a matter of law.

In rejecting claims 16-19, the Examiner again fails to apply controlling law. Failing to acknowledge the difference in statutory basis and the examination procedures mandated by MPEP 2181 et seq., the Examiner states:

AS per claims 16-19, since (sic) they are means plus function claims of claims 1-4, they are rejected for (sic) the same basis as claims `1-4 above.

In addition to the clearly erroneous findings of fact explained above, this ground of rejection is clearly incorrect as a matter of law.

Claims 5, 10, 15, and 20 have been found allowable over the prior art of record.

Having thus responded to each objection and ground of rejection, Applicants respectfully request entry of this amendment and allowance of claims 1-20, being the only pending claims.

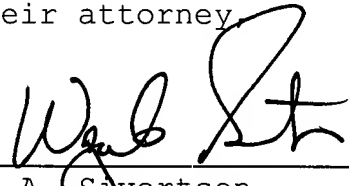
Please charge any deficiencies or credit any overpayment to
Deposit Account No. 14-0620.

Respectfully submitted,

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By their attorney,

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